



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

26 FEDERAL PLAZA

NEW YORK, NEW YORK 10278

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 23 1983

Mr. Anthony Gaess
33 North Avenue
Montvale, New Jersey 07645

Re: Issuance of Order Pursuant to
42 U.S.C. §9606

Dear Mr. Gaess:

Enclosed please find a copy of Findings of Fact, Determination and Order issued against you pursuant to §106 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9606. The Agency has determined that you are a responsible party for the releases and threatened releases of hazardous substances, as defined at 42 U.S.C. §9601(14), from the Kin-Buc Landfill or surrounding areas (the "facility") into the environment, which may present an imminent and substantial endangerment to the public health or welfare or the environment.

The enclosed Order is being issued subsequent to lengthy but unsuccessful negotiations with counsel representing your interests in this matter and with other responsible parties to undertake and complete the appropriate environmental response at the facility.

Please note that paragraph 53 of the Order provides opportunity for you to notify EPA within seven days of the date of issuance of this Order of your desire to confer with EPA concerning certain specified elements of the Order. Such requests should be directed to the attention of Henry Gluckstern, Esq. at the address and telephone number indicated.

Please note further that paragraph 43 of the enclosed Order requires that you communicate in writing with me within three days of the effective date of the Order, setting forth whether you intend to comply with the terms of the Order.

Your notification that you do not intend to comply with the terms of the Order, or your failure to notify me within the time indicated that you intend to comply with the terms of the Order, will result in a determination by EPA that you do not intend to comply with the terms of the Order, and EPA will take such action as it deems appropriate, as further set forth in paragraphs 43 and 50 of the Order.

Sincerely yours,



Jacqueline E. Schafer
Regional Administrator

Enclosure